

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BYRON SMITH,

Plaintiff,

- against -

PAUL A. CASTRUCCI, ARCHITECTS, PLLC

Defendant.

Docket No. 1:20-cv-03176-JGK

PROPOSED ORDER TO SHOW CAUSE
FOR DEFAULT JUDGMENT

Upon the declaration of James H. Freeman, and the exhibits annexed thereto, the Statement of Damages and upon all prior papers and proceedings filed herein, it is hereby:

ORDERED, that the above-named defendant, Paul A. Castrucci, Architects, PLLC (“Defendant”), show cause why a default judgment should not be entered against it pursuant to Rule 54(b) and Rule 55(b) of the Federal Rules of Civil Procedure in favor of Plaintiff Byron Smith (“Plaintiff”) for the following relief:

1. Directing that a default judgment as to liability for copyright infringement under 17 U.S.C. § 501 be entered against Defendant;
2. Ordering Defendant to pay \$1,680.00 in actual damages under 17 U.S.C. § 504(b) for copyright infringement;
3. Ordering Defendant to pay \$440.00 in costs under Fed.R.Civ.P. 54(d);
4. Ordering Defendant to pay post-judgment interest under 28 U.S.C.A. § 1961;
5. Directing that the Court retain jurisdiction over any matter pertaining to this judgment;
6. Ordering dismissal of this case and directing the Clerk of the Court to remove it from the Court docket; and

IT IS FURTHER ORDERED, that Defendant shall respond in writing to this Order to Show Cause for a default judgment by February 19, 2021. If Defendant fails to respond by that date, judgment may be entered against it and Defendant will have no trial. Plaintiff may reply by February 23, 2021.

IT IS FURTHER ORDERED, that Plaintiff shall serve a copy of this Order to Show Cause by and shall file proof of service by February 12, 2021. Pursuant to L.R. 55.2, service upon Defendant's last known business address by U.S. mail shall be deemed good and sufficient service thereof.

NO PERSONAL APPEARANCES ARE REQUIRED IN CONNECTION WITH THIS ORDER TO SHOW CAUSE.

The conference scheduled for February 11, 2021 is canceled.

New York, NY

Dated: February 10, 2021

SO ORDERED:

/s/ John G. Koeltl

John G. Koeltl (U.S.D.J.)